

REMARKS

Claims 1-40 are pending in the application.

Claims 1-40 stand rejected.

Claims 1, 15, 25, 35 and 38 have been amended.

Claims 41-55 have been added.

Rejection of Claims under 35 U.S.C. §102

Claims 1-40 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Saksio, U.S. Patent Publication No. 2004/0105390 (Saksio). After careful consideration of Examiner's remarks, Applicants respectfully assert that Claims 1-40, as now amended, are not rendered unpatentable by Saksio in view of the arguments herein. Applicants have amended independent Claims 1, 15, 25, 35 and 38 to clarify that the first and second links are "associated with a virtual network". Support for the amendments can be found in paragraph [0029] of the present Specification.

Referring to exemplary Claim 1, nothing in Saksio discloses (or renders obvious) the elements of:

detecting a failure of a first link, wherein
 said first link is between a network element and an upstream portion of a
 communications network, and
 said first link is associated with a virtual network; and
in response to said detecting, maintaining a communications channel between said
 downstream portion of said communications network and said upstream
 portion of said communications network by disabling a second link
 between said network element and a downstream portion of said
 communications network, wherein
 said second link is associated with said virtual network. (emphasis added).

On page 2 of the present Office Action dated July 31, 2007, Examiner cites Figure 1 and paragraph [0028] of Saksio as disclosing the recited elements of exemplary Claim 1. The cited passage of Saksio discloses:

In the following there is described the idea of the present invention. In the failed 2nd stage LAN switch SW7 it has been defined that the link LSW7 to router R1, called up-link, is a critical link and the so-called down-links LSW1, LSW3,

and LSW5 to the 1st stage LAN switches SW1, SW3, and SW5 are dependent of the critical up-link SW7. Thus, if the up-link LSW7 fails, all down-links LSW1, LSW3, LSW5 are set in the link-down state. Likewise, in the 1st stage LAN switches SW1, SW3, SW5, the links LSW1, LSW3, LSW4 to the 2nd stage LAN switch SW7 are defined to be as critical and links L1₁, L2₁, L3₁, L4₁, L5₁, L6₁, L7₁, L8₁, L9₁ to the hosts 1, 2, , 9, down-links, are defined to be dependent of the up-links LSW1, LSW3, LSW5. The net result is that if the 2nd stage LAN switch or its link to the router fails, failure 2, then the link-down state is propagated down to hosts Host 1, . . . , Host 9. The same will happen if the link between a 1st stage and 2nd stage LAN switch fails. Thus, the hosts become very quickly aware of a failure in the LAN and can start recovery immediately.

However, it is clear that nothing in the cited passage or anywhere else in Saksio discloses a “first link” that is “associated with a virtual network” or a “second link” that is “associated with a virtual network”, as recited in exemplary Claim 1. Since Saksio does not disclose (or render obvious) each and every element of exemplary independent Claim 1, independent Claim 1, similar independent Claims 15, 25, 35, and 38 and all dependent claims are not rendered unpatentable by Saksio. Therefore, Applicants respectfully request that the rejection be withdrawn.

Newly-Added Claims

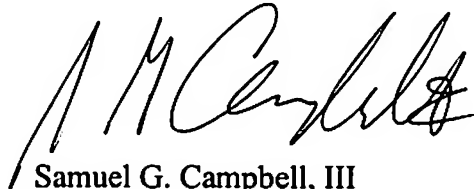
Applicants have added Claims 41-55 to clarify how the second link is selected and disabled. Support for Claims 41-55 can be found in paragraph [0029] of the present Specification.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. G. Campbell, III', with a stylized flourish at the end.

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